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GOOGLE LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO**

ANIBAL RODRIQUEZ, *et al.*, individually and on
behalf of all other similarly situated,

Plaintiff,

vs.

GOOGLE LLC,

Defendant.

Case No. 3:20-CV-04688

**DECLARATION OF JAYVAN E.
MITCHELL IN SUPPORT OF
DEFENDANT GOOGLE LLC'S
MOTION TO DISMISS FIRST
AMENDED COMPLAINT**

Court: Courtroom 3 – 17th Floor

Date: February 25, 2021

Time: 1:30 p.m.

Judge: Hon. Richard Seeborg

1 I, Jayvan E. Mitchell, declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California. I am an
3 associate with the law firm of Willkie Farr & Gallagher LLP, counsel of record for Google LLC in
4 the above-captioned matter. I have personal knowledge of the facts set forth below and, if called
5 as a witness in a court of law, could and would testify competently thereto.

6 2. Attached hereto as **Exhibit A(1)-(2)** are true and correct copies of Alibaba's Terms
7 of Use agreements in effect in May and September of 2020, which were downloaded on October
8 12, 2020 at:

9 <https://rule.alibaba.com/rule/detail/2041.htm>
10 <https://web.archive.org/web/20200825151825/https://rule.alibaba.com/rule/detail/2041.htm>

11 3. Attached hereto as **Exhibit B(1)-(2)** are true and correct copies of Alibaba's Privacy
12 Policies in effect in February and September 2020, which were downloaded on October 12, 2020
13 at:

14 <https://rule.alibaba.com/rule/detail/2034.htm>
15 <https://web.archive.org/web/20200901155358/https://rule.alibaba.com/rule/detail/2034.htm>

16 4. Attached hereto as **Exhibit C(1)-(2)** are true and correct copies of Lyft's Terms of
17 Service agreements in effect in 2018 and 2019, which were downloaded on October 12, 2020 at:

18 <https://www.lyft.com/terms>
19 <https://web.archive.org/web/20190105031147/https://www.lyft.com/terms>

20 5. Attached hereto as **Exhibit D(1)-(2)** are true and correct copies of Lyft's Privacy
21 Policies in effect in January and September of 2020, which were downloaded on December 16,
22 2020 at:

23 <https://www.lyft.com/privacy>
24 <https://web.archive.org/web/20200107073652/https://www.lyft.com/privacy>

25 6. Attached hereto as **Exhibit E(1)-(2)** is a true and correct copy of the Economist
26 Group's Cookie Policy in effect in 2020 and 2018, which was downloaded on December 16, 2020:

27 [https://www.economistgroup.com/results_and_governance/governance/](https://www.economistgroup.com/results_and_governance/governance/Cookies_information.html)
28 [Cookies_information.html](https://www.economistgroup.com/results_and_governance/governance/Cookies_information.html)

https://web.archive.org/web/20191023064714/https://www.economistgroup.com/results_and_governance/governance/Cookies_information.html

7. Attached hereto as **Exhibit F(1)-(2)** is a true and correct copy of the New York Times Cookie Policy in effect in December and June of 2020, which was downloaded on December 16, 2020:

<https://www.nytimes.com/privacy/cookie-policy>
<https://web.archive.org/web/20200801081027/https://www.nytimes.com/privacy/cookie-policy>

8. Attached hereto as **Exhibit G** is a true and correct copy of the Wattpad Privacy Policy in effect on May 25, 2018, which was downloaded on December 16, 2020 (no earlier version was publicly available):

<https://policies.wattpad.com/privacy/>

9. Attached hereto as **Exhibit H(1)-(2)** is a true and correct copy of the Google Analytics Opt-Out Browser Add-On in effect in 2019 and 2020, which was downloaded on December 16, 2020:

<https://tools.google.com/dlpage/gaoptout>
<https://web.archive.org/web/20191216175042/https://tools.google.com/dlpage/gaoptout>

10. Attached hereto as **Exhibit I(1)-(2)** is a true and correct copy of the NPR Privacy Policy in effect in 2020 and 2018, which was downloaded on December 16, 2020:

<https://www.npr.org/about-npr/179878450/privacy-policy>
<https://web.archive.org/web/20191216044707/https://www.npr.org/about-npr/179878450/privacy-policy>

11. Attached hereto as **Exhibit J(1)-(2)** is a true and correct copy of the Duolingo Privacy Policy in effect in May and October of 2018, which was downloaded on December 16, 2020:

<https://www.duolingo.com/privacy>
<https://web.archive.org/web/20180705122229/https://www.duolingo.com/undefined>

12. Attached hereto as **Exhibit K(1)-(2)** is a true and correct copy of Trivago' s Privacy Policy in effect in 2019 and 2020, which was downloaded on December 16, 2020:

<https://www.trivago.com/privacy-policy>
<https://web.archive.org/web/20191215023851/https://www.trivago.com/privacy-policy>

13. Attached hereto as **Exhibit L(1)-(2)** is a true and correct copy of Venmo's Privacy Policy in effect in 2019 and 2020, which was downloaded on December 16, 2020:

<https://venmo.com/legal/us-privacy-policy/>
<https://web.archive.org/web/20190914080900/https://venmo.com/legal/us-privacy-policy/>

14. Attached hereto as **Exhibit M** is a true and correct copy of a Firebase policy entitled “Set a User ID”, which was downloaded on December 17, 2020:

<https://firebase.google.com/docs/analytics/userid>

15. Attached hereto **Exhibit N** is a true and correct copy of the Google Privacy & Terms web page titled “How Google Uses Information from Site or Apps that Use Our Services,” which was downloaded on December 17, 2020:

<https://policies.google.com/technologies/partner-sites?hl=en-US>

16. Attached hereto **Exhibit O** is a true and correct copy of the Firebase Documentation web page titled “Configure Analytics Data Collection and Usage,” which was downloaded on December 17, 2020:

<https://firebase.google.com/docs/analytics/configure-data-collection>

I declare under the penalty of perjury that the foregoing is true and correct. Executed on
December 17, 2020.

By: /s/ Jayvan E. Mitchell
Jayvan E. Mitchell